



Paper No. 11

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BOARD OF PATENT APPEALS  
AND INTERFERENCES

Filed by: Judge Michael Sofocleous  
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Applicant: Burnette, III  
Serial No.: 08/448,727  
Filed: 05/24/95  
For: MODIFIED PERTUSSIS TOXIN  
Accorded Benefit of: U.S.  
Serial Nos. 08/034,460,  
filed 03/18/93; 07/232,482,  
filed 08/17/88; and  
07/094,307, filed 09/04/87;  
all abandoned

This case referred to above has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interference with other cases hereafter specified. Attention is directed to the fact that this interference is declared pursuant to 37 CFR § 1.601 et seq., effective February 11, 1985 (49 Fed. Reg. 48,416 (1984); 1050 Off. Gaz. Pat. & Trademark Office 385 (Jan. 29, 1985)), and amendments effective April 21, 1995. See Notice of Final Rule, 60 Fed. Reg. 14,488 (1995), reprinted in 1173 Off. Gaz. Pat. & Trademark Office 36 (Apr. 11, 1995). A clean copy of the interference rules, as amended, appears at 1173 Off. Gaz. Pat. & Trademark Office 384 (Apr. 18, 1995). The interference is designated as No. 104,147.

By direction of the Commissioner of Patents and Trademarks and as required by 35 U.S.C. § 135(c), notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference."

Serial No. 08/448,727

The cases involved in this interference are:

Junior Party

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Serial No.: 07/589,423, filed 09/28/90, now U.S.  
Patent No. 5,244,657, issued 09/14/93

For: GENETIC DETOXIFICATION OF PERTUSSIS TOXIN

Assignee: Connaught Laboratories Ltd.; Willowdale,  
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Accorded Benefit of: U.S. Serial No. 07/275,376, filed 11/23/88  
and U.K. Patent Application 8727489, filed  
11/24/87

Serial No. 08/448,727

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Serial No.: 08/448,727, filed 05/24/95

For: MODIFIED PERTUSSIS TOXIN

Assignee: Amgen, Inc.

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Accorded Benefit of: U.S. Serial Nos. 08/034,460, filed  
03/18/93; 07/232,482, filed 08/17/88; and  
07/094,307, filed 09/04/87; all abandoned

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Count 1

A polypeptide analog of Bordetella pertussis toxin S1 subunit, said analog differing in amino acid sequence from that of naturally occurring S1 subunit by substitution of a different amino acid residue at arginine 9, wherein the analog has a biological activity which (a) can elicit toxin neutralizing-levels of antibodies and (b) is substantially free of enzymatic activities associated with toxin reactogenicity.

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The claims of the parties which correspond to this count  
are:

Klein et al.: Claims 1-4

Burnette III: Claims 9, 11, 12, 15, 17-19, 21, 25 and 35



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Serial No. 08/448,727

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